

Notice of Allowability

Application No.

10/652,014

Examiner

Hargobind S. Sawhney

Applicant(s)

PADDEN, STEPHEN J.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on April 18, 2005.
2. ☒ The allowed claim(s) is/are 9-11, 13-15 and 17-22.
3. ☒ The drawings filed on 29 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>6/15/03</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. The amendment filed on April 18, 2005 has been entered. Accordingly:
 - Claims 1-8, 12 and 16 have been cancelled;
 - Claims 9 and 13 have been amended; and
 - New claims 17-22 have been added.
2. On June 15, 2005, the examiner contacted the attorney, Mr. Roger Marrs, to inform that each of the newly added independent claims 17-19 contains allowable subject matter. However some of the recitations included in the independent Claim 19 needs to be rephrased for definite recitation, and to avoid lack of antecedent basis as outlined below.

Claim 19, lines 3 and 4, "a connector rotatably joined therewith" does not clearly indicate whether the connector being rotatably joined to the one end or the other end of the elongated body. In response, Mr. Marrs suggested rephrasing of the limitation as -- a connector rotatably joined at the other end --.

Claim 19, line 11, "said illumination means" lacks antecedent basis. In response, Mr. Marrs suggested rephrasing of the limitation as --said light source --.

Finally, Mr. Marrs authorized an Examiner's amendment requiring the above-indicated rephrasing for claim 19.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Roger Marrs on June 15, 2005.

Claim 19, lines 3 and 4, replace "a connector rotatably joined therewith" with -- a connector rotatably joined at the other end --.

Claim 19, line 11, replace "said illumination means" with --said light source --.

Allowable Subject Matter

4. Claims 9-11, 13-15 and 17-22 are allowed.

The prior art of record, including Leipold et al. (US Patent No.: 2,117,967), and Wylie et al. (US Patent No.; 4,740,874), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an illumination device combining an elongated body including:

- a magnetic attachment means having: a first element of attraction disposed on the elongated body, and a second element of attraction disposed on a support body as recited in Claim 17;
- the elongated body having a light source and a shank securing a ball in fixed position with respect to the elongated body as recited in Claim 17;

- the support body carrying a ball-socket receiving the ball as recited in Claim 17; and
- a support structure being a sleeve insertably receiving an elongated body with an adjustable light source, and a support body rotatably joining the elongated body through a universal connector as recited in Claim 18; and
- a support body being a sleeve releasably receiving an elongated body terminating at one end with a light source and terminating at an other end rotatably joined connector as recited in Claim 19.

The above-indicated combination, including first and second magnetic elements used for detachably attaching an elongated body with a light source, and a sleeve support encasing the elongated body, makes this invention unique.

Neither combined nor individual teaching of Leipold ('967) and Wylie et al ("874) teaches the combination an elongated body having its one end connected with an adjustable light source at one end rotatably connected to a support body through a universal joint or connector. Further, neither combined nor individual teaching of Leipold ('967) and Wylie et al ("874) teaches the combination of a magnetic attachment combined with a universal connector.

Therefore, claims 17-19 are allowed over prior art.

Claims 9-11 are necessarily allowed because of their dependency on the allowed Claim 17.

Claims 13-15 are necessarily allowed because of their dependency on the allowed Claim 18.

Claims 20-22 are necessarily allowed because of their dependency on the allowed Claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
6/23/05


Sandra O'Shea
Supervisory Patent Examiner
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